

Jul 16, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

BENITO BALDOVINOS-MENDOZA,
Defendant.

No. 2:14-CR-0134-WFN-2

ORDER DENYING MOTION FOR
COMPASSIONATE RELEASE

Pending before the Court is Defendant's Motion for Compassionate Release Pursuant to the First Step Act. ECF No. 493. Defendant provided no evidence that he first requested relief from the Bureau of Prisons. The First Step Act requires exhaustion prior to filing a motion before the Court. Since Defendant has not exhausted his claim with the Bureau of Prisons [BOP] he is ineligible for relief. Defendant may choose to file a motion following exhaustion of his claim. To do so, he must first request relief from the BOP. If denied, or if the BOP fails to respond within 30 days, Defendant may file a motion before this Court. In that motion, Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction" 18 U.S.C. § 3582(c)(1)(A). Defendant must further demonstrate that the 3553(a) factors weigh in favor of release. In response to Defendant's motion, the Government details Defendant's involvement in murdering a man who owed a drug debt. If Defendant exhausts his claim, then files another motion, the Court will examine the danger to the public upon Defendant's release if Defendant demonstrates extraordinary and compelling reasons for release. Any future motion should address the 3553(a) factors including whether Defendant poses a danger to the public. The Court has reviewed the file and briefing and is fully informed. Accordingly,

1 **IT IS ORDERED** that Defendant's Motion for Compassionate Release Pursuant to
2 the First Step Act, filed October 20, 2020, **ECF No. 493**, is **DENIED**.

3 The District Court Executive is directed to file this Order and provide copies to
4 counsel and *pro se* Defendant.

5 **DATED** this 16th day of July, 2021.

6 

7 _____
8 WM. FREMMING NIELSEN
9 SENIOR UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

07-08-21